

REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed August 18, 2004.

Claims 1-10 and 12-28 have been canceled. Upon entry of the foregoing amendments, claim 11 is now pending in this application.

The Specification is objected to in that the trademark ZIPLOCK® should be capitalized wherever it appears. Claim 10 stands objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1, 3-7, 10, 12, 13, 14, 21-24, and 26-28 stand rejected under 35 USC § 103(a), as being unpatentable over Bride-Flynn in view of Francis. Claims 8 and 9 stand rejected under 35 USC § 103(a), as being unpatentable over Bride-Flynn in view of Francis and further in view of Hubbard et al. Claim 11 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

Specification

The Official Action states that the disclosure is objected to because of the informality in the specification and claims wherein reference to the trademark ZIPLOCK® should be capitalized wherever it appears such that the proprietary nature of the mark is respected, and that appropriate correction is required. (Official Action, paras. 1 and 2.)

The Specification has been amended herein to change any reference to the trademark ZIPLOCK® to capitalized form such that the proprietary nature of the mark is respected. Claims reciting a ZIPLOCK®-type closure mechanism have been canceled.

Accordingly, Applicant respectfully requests that the objection to the disclosure be withdrawn.

Claim 10

The Official Action states that claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. (Official Action, para. 3.) Claim 10 has been canceled herein. Therefore, Applicant respectfully submits that the rejection of claim 10 under 35 USC § 103(a) is now moot, and requests that this rejection be withdrawn.

Claims 1, 3-7, 10, 12, 13, 14, 21-24, and 26-28 — 35 USC § 103(a)

The Official Action states that claims 1, 3-7, 10, 12, 13, 14, 21-24, and 26-28 are rejected under 35 USC § 103(a), as being unpatentable over Bride-Flynn in view of Francis. (Official Action, para. 4.) Claims 1, 3-7, 10, 12, 13, 14, 21-24, and 26-28 have been canceled herein. Therefore, Applicant respectfully submits that the rejection of these claims under 35 USC § 103(a) is now moot, and requests that these rejections be withdrawn.

Claims 8 and 9— 35 USC § 103(a)

The Official Action states that claims 8 and 9 are rejected under 35 USC § 103(a), as being unpatentable over Bride-Flynn in view of Francis and further in view of Hubbard et al. (Official Action, para. 7.) Claims 8 and 9 have been canceled herein. Therefore, Applicant

respectfully submits that the rejection of these claims under 35 USC § 103(a) is now moot, and requests that these rejections be withdrawn.

Claim 11

The Official Action states that claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Official Action, para. 9.)

Claim 11 has been rewritten in independent form including all of the limitations of the base claim (claim 1) and any intervening claims (claims 4 and 10). Applicant respectfully submits, therefore, that claim 11 has been amended to include all of the limitations of the base claim and any intervening claims.

For this reason, the Office is respectfully requested to withdraw the objection to claim 11.

CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance. Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections and objections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

9/10/04
Date

J. Michael Boggs
J. Michael Boggs
Reg. No. 46,563

Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 747-7536
(336) 734-2632 (facsimile)

00471-268588
WINLIB01:1093270.1